

**REMARKS/ARGUMENTS**

Claims 1-21 are present in this application. By this Amendment, the specification and claims 1, 9, 17 and 21 have been amended. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. §1.116 because the Amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution and raised by the Examiner in the previous Office Action; (c) does not present any additional claims without canceling the corresponding number of finally-rejected claims; and (d) places the application in better form for appeal, should an appeal be necessary. The Amendment was necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the Amendment is thus respectfully requested.

At the outset, Applicant extends his appreciation to Examiner Patel for his courtesy in conducting the telephone interview with Applicant's representative. During the interview, Examiner Patel explained that the rejection under 35 U.S.C. §101 could be overcome by indicating in the claims that at least some of the described processes are carried out via a computer. The Examiner contended, however, that the specification does not support this subject matter. Applicant's representative disagreed with this contention, arguing that the specification indeed provides support for the use of computer processing structure, which would be apparent to those of ordinary skill in the art. Applicant's representative indicated that a Declaration under 37 C.F.R. §1.132 would be filed with the next response to provide support for the Applicant's contention. Examiner Patel agreed to consider the response and any accompanying Declaration.

Claims 1-21 stand rejected under 35 U.S.C. §101 as not being “limited to or within technological arts.” This rejection is respectfully traversed.

Without conceding this rejection, claim 1 has been amended to define a method of comparing mutual funds by utilizing computer processing structure, including a step of determining with the computer processing structure a power spectral density (PSD) of respective mutual funds according to fund cumulative growth (G) and fund stability (S). Independent claims 9, 17 and 21 have been similarly amended. With these amendments as suggested by Examiner Patel, Applicant respectfully submits that the rejection has been obviated.

With regard to support for the amendments herein, submitted herewith are two (2) Declarations under 37 C.F.R. §1.132, evidencing that those of ordinary skill in the art would understand that the described calculations and graphical representations described in the specification are performed by a computer and thus the use of a computer is inherently supported in the original specification. In summary, the Declarations conclude that the manner of calculations required to perform the described analyses as well as the nature of the product, potentially requiring real-time updates, require the accuracy and efficiency of a computer. To perform the calculations in any other manner, including manually, would be an impossible task particularly when confronted with time constraints of investments (in the stock market, etc.).

Since it is thus clear that those of ordinary skill in the art would agree that this subject matter is supported in the specification, as evidenced by the Rule 132 Declarations, the specification has been similarly amended to describe that the calculations and graphical representations in the description are performed by a computer as would be apparent to those of ordinary skill in the art. Applicant thus submits that no new matter has been entered herein.

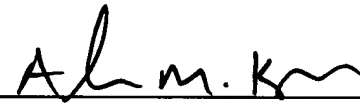
Applicant acknowledges with appreciation that there are no outstanding rejections over prior art.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Respectfully submitted,

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